

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOSEPH JADCZAK and CATHERINE	)	
JADCZAK,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 07-431 (GMS)
	)	
HOMESITE INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF RECORDS DEPOSITION OF THE  
OFFICE OF THE DELAWARE STATE FIRE MARSHAL**

TO: Sean J. Bellew, Esquire  
Cozen O'Connor  
Suite 1400, Chase Manhattan Center  
1201 North Market Street  
Wilmington, DE 19801-1147

Melissa F. Brill, Esquire  
Cozen O'Connor  
45 Broadway Atrium, 16<sup>th</sup> Floor  
New York, NY 10006

**PLEASE TAKE NOTICE** that the undersigned attorney has subpoenaed from the Office of the Delaware State Fire Marshal, 22705 Park Avenue, Georgetown, Delaware 19947 any and all documents, writings or other things in the possession, custody, or control of the deponent concerning the fire which occurred on May 29, 2006 giving rise to this litigation.

You will note from said subpoenas that if the requested records are forwarded to the offices of Perry & Sensor prior to August 22, 2007 at 10:00 a.m., then said deponent is excused from attendance at the deposition.

**PERRY & SENSOR**

By: /s/ Michael L. Sensor  
Michael L. Sensor, Esquire  
Delaware Bar ID No. 3541  
One Customs House, Suite 560  
P.O. Box 1568  
Wilmington, DE 19899-1568  
Telephone: (302) 655-4482  
Attorney for Plaintiffs

Dated: August 22, 2007

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 22, 2007, he electronically filed the following documents with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following person(s), counsel of record for all parties:

**DOCUMENTS:**

Notice of Records Deposition of the Delaware State Fire Marshal  
Subpoena Directed to Delaware State Fire Marshal (and Return of Service)

**RECIPIENT:**

Sean J. Bellew, Esquire  
Cozen O'Connor  
Suite 1400, Chase Manhattan Center  
1201 North Market Street  
Wilmington, DE 19801-1147

Melissa F. Brill, Esquire  
Cozen O'Connor  
45 Broadway Atrium, 16<sup>th</sup> Floor  
New York, NY 10006

/s/ Michael L. Sensor (#3541)  
Michael L. Sensor  
Attorney for Plaintiff

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

**Issued by the**  
**UNITED STATES DISTRICT COURT**

JOSEPH JADCZAK and CATHERINE  
JADCZAK,

DISTRICT OF DELAWARE

Plaintiffs,

**SUBPOENA IN A CIVIL CASE**

V.

HOMESITE INSURANCE COMPANY,

Case Number:<sup>1</sup> 07-431 GMS

Defendant.

TO: Custodian of Records  
 Office of the Delaware State Fire Marshal  
 22705 Park Avenue  
 Georgetown, DE 19947

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

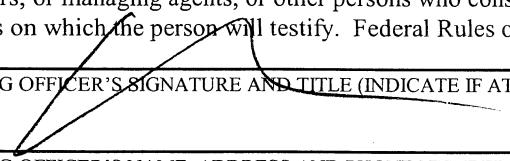
Any and all documents, writings, or other things in your possession, custody, or control relating in any manner whatsoever to the State Fire Marshal's investigation of a house fire at 29555 Eagles Crest Road, Milton, DE 19968 on May 29, 2006, including, but not limited to, statements, notes, photographs, conclusions, narratives, and any and all crime reports. NOTE: Your personal appearance is waived if the requested documents are produced on or before the date below.

PLACE Offices of Perry & Sensor, One Customs House, Suite 560, P.O. Box 1568, Wilmington, DE 19899-1568	DATE AND TIME 8/22/2007 - 10:00 a.m.
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE 8/16/07
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
 Michael L. Sensor, Esquire, Perry & Sensor, P.O. Box 1568, Wilmington, DE 19899-1568, (302) 655-4482  
 Attorney for Plaintiffs

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

SERVED

DATE August 9, 2007  
( 9:05 am/pm)PLACE Office of the Delaware State Fire Marshal  
22705 Park Avenue  
Georgetown, Delaware 19947

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Randall W. Lee Chief Deputy  
Fire Marshal

in hand (as Custodian of the Records)

SERVED BY (PRINT NAME)

TITLE

Timothy J. Jones

process server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 9, 2007  
DATE

Timothy J. Jones  
SIGNATURE OF SERVER  
Legal Beagles, Inc.  
P.O. Box 886  
ADDRESS OF SERVER  
New Castle, Delaware 19720-0886  
(302) 478-2693

Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,  
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or  
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.